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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) NO. 2864 of 2007

Petitioner Bahartu Singh Kanwar S/o Shri Garhan Singh Kanwar, aged about 50 years, Resident of Village Nawapara, Tahsil Kartala, District Korba (C.G.)

Versus

Respondents

1. State of Chhattisgarh, through Principal Secretary, Department of Panchayat & Gramin Vikas, Mantralaya - D.K.S. Bhawan, Raipur (C.G.)
2. Sub Divisional Officer (Revenue), Korba, Tahsil and District Korba (C.G.)
3. Jeevan Lal Mannewar S/o Shri Baigaram, Aged about 30 years, Resident of Village Amaldiha, Tahsil Kartala, District Korba (C.G.)
4. Ram Singh Kanwar, S/o Bhagau, aged about 45 years, Resident of Village Amaldiha, Tahsil Kartala, District Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

Single Bench :- Hon'ble Shri Justice **Satish K. Agnihotri**

Present :- Mr. Gagendra Sahu, Advocate for the Petitioner.
Mr. Yashwant Singh Thakur, Govt. Advocate for the respondents No. 1 and 2/State.

ORDER

(Passed on this 9th day of May, 2007)

1. The issue with regard to the election of Sarpanch of Village Panchayat, Amaldiha was considered by the Sub Divisional Officer, Korba (Specified Officer), whereby Jeevan Lal Mannewar/respondent No. 3 was declared disqualified on the ground that the post of Sarpanch of Villlage Panchayat, Amaldiha, was reserved for Scheduled Tribe category, whereas the respondent No. 3 belongs to Scheduled Caste category. The matter was brought to this Court by a writ petition No. 4398/2005, wherein

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this Court, after having considered contentions of all the parties, passed the following order:-

> "Therefore, this order is liable to be set aside. Accordingly, the writ petition is allowed and the impugned order dated 12.7.2005 is quashed. The Specified Officer is directed to proceed with the trial of the election petition, first he has to hear on the application filed by the petitioner herein and respondent No. 2 herein under Order 7 Rule 11 of the C.P.C. and if he finds that the application is not maintainable, then he will have to give right to the petitioner herein to file reply of the election petition and thereafter, frame issues on the point where the parties are at variance in their pleadings and then allow the parties to adduce their evidence."

2. It appears that the matter is still pending consideration before the Sub Divisional Officer, Korba. The petitioner, who was the contesting candidate for election, has filed this petition seeking relief to remove the respondent No. 3 from the post of Sarpanch and appoint him as Sarpanch during pendency of the election petition before the Sub Divisional Officer, Korba.

3. This petition is vague, frivolous and tantamounts to misuse of judicial process when the dispute is still under consideration before the Sub Divisional Officer, Korba. Thus, this petition is not maintainable.

4. The writ petition is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

B/-